

MATHEWS & FREELAND, L.L.P.

ATTORNEYS AT LAW

JIM MATHEWS
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June 27, 2008

Agenda Docket Clerk
Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 787011-3087

CHIEF CLERKS OFFICE

2008 JUN 27 PM 1:25

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

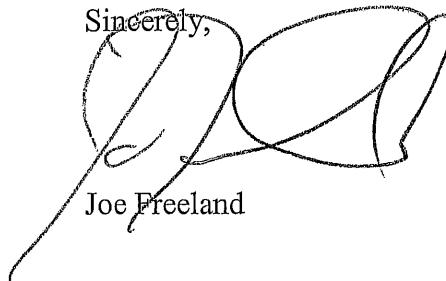
**Re: Application of Bexar Quarry Services, LLC for Renewal of Permit
No. 43957; TCEQ Docket No. 2007-2033-AIR**

Dear Docket Clerk:

Enclosed, please find an original and eleven copies of a Jack Love's Reply to Responses, which we respectfully request be filed in the above referenced proceeding. This matter is set for consideration by the Commission on July 9, 2008.

Please call me if you have any questions.

Sincerely,



Joe Freeland

JF/ndh
Enclosures

cc: Service List

TCEQ DOCKET NO. 2007-2033-AIR

IN THE MATTER OF THE	§	BEFORE THE
APPLICATION OF BEXAR QUARRY	§	TEXAS COMMISSION
SERVICES, LLC FOR RENEWAL OF	§	ENVIRONMENTAL QUALITY
AIR QUALITY PERMIT NO. 43957	§	

**PROTESTANT JACK LOVE'S
REPLY TO THE RESPONSES TO HIS HEARING REQUEST**

SUMMARY OF POSITION

The Applicant and the Executive Director assert that no hearing is allowed in this matter because the applicant has merely applied for a renewal of its permit without an increase in emissions. Jack Love recognizes that the law does not allow a hearing because this renewal application does not seek to increase emissions. Nevertheless, Jack Love requests that the Commission recognize this application for what it is – **a sham** to aid the applicant in continuing to avoid public review of its operations that are located on the environmentally sensitive Edwards Aquifer recharge zone. Jack Love, therefore, requests that the Commission dismiss the application as premature and order the Applicant to file a reviewable application to amend the permit to fully authorize the facility.

How can a renewal application be a sham to avoid review? By providing public notice for an application that cannot legally be reviewed as a way to excuse the failure to provide any prior public notice and as an excuse to not provide public notice of future increases in emissions. Even the TCEQ permit engineer reviewing this application has recognized that the only reason for this application is so that *something* at the site will have gone to Public Notice. (Exhibit 1). The Executive Director has erred twice previously in failing to provide public notice of this facility. The Commission should keep the Executive Director from erring a third time.

INTRODUCTION

The Deep Creek Quarry in Mico, Medina County, Texas began operations sometime in 2006. It is currently owned and operated by Lattimore Materials. Since operations began and today, at least two rock-crushing plants have been moved to the Deep Creek Quarry site and operated. These plants have been modified after being moved to the site and now have permits authorizing emissions in excess of 20 tons/year of particulate matter. All of this was done without public notice being given to anyone in the vicinity of the quarry. Additionally, despite

the numerous applications and permit amendments, the Executive Director has failed to require all of the facility to be permitted (in particular, the diesel engine that powers the crusher and conveyors. Now, the Applicant seeks to renew its permit three years early, for which it is required by statute to provide public notice, but seeks to hide behind a claim that no additional emissions are being authorized to avoid a permit hearing.

SITE DESCRIPTION/CHRONOLOGY

On March 23, 2000, SH Tolliver Company submitted an application for a rock crusher located in Kendall County to operate at 250 tons/hour and 750,000 tons/year to be located 1,320 feet from the property line. Public notice was given of this application to those deemed by the statute to be potentially affected. The Commission issued Permit No. 43957 to this crusher on June 14, 2000, authorizing the applicant to emit a total of 2 lb/hour and 3.78 tons/year of particulate matter. The expiration date for this permit is June 14, 2010. The permit expressly recognized that the permit did not authorize emissions from the diesel engine used to power the crusher because the applicant represented that the engine was portable (would not remain at a single point or location for 12 consecutive months or more).

In the summer of 2003, SH Tolliver Company sought and obtained authorization to move the facility to Helotes, Bexar County, Texas. As part of this change, the required distance from the property line was changed from 1,320 feet to 1,290 feet. In 2004, ownership of the facility changed from SH Tolliver Company to Bexar Quarry Services, Inc. Sometime in 2006, the facility was relocated again to its current location at the Deep Creek Quarry. No public notice of the relocation of the facility was given, and the authorization to relocate to this location is not contained in the Commission's records in Austin. The Executive Director appears to have erred by failing to require public notice of the relocation of this plant to this site.

On August 31, 2006, Bexar Quarry Services submitted an application to increase its maximum hourly and annual production rate to 500 tons/hour (a 100% increase) and 1,750,000 tons/year (a 133% increase), to increase its stockpile area and to authorize additional equipment. The application contained no representation (or emissions) regarding any source of power, such as an internal combustion engine, to power the crusher and the attendant equipment, despite the fact that the plant appears to be powered by the same diesel engine that has been on the plant since it was permitted in 2000. Through some lucky circumstance, the emissions increase from

the changes sought by Bexar Quarry Services totaled 4.92 tons/year of particulate matter – from 3.78 tons/year to 8.70 tons/year. Because this increase was less than 5 tons/year, the Executive Director deemed the increase to be de minimis and waived public notice of changes sought by the applicant. Had the applicant included increases in emissions associated with its on-site power source, the increase in particulate matter emissions alone would have exceeded de minimis amounts. Thus, the Executive Director erred in processing this amendment application without providing proper public notice. On January 25, 2007, the Executive Director approved the amendment and authorized the facility to be located as close as 525 feet from a property line.

Bexar Quarry Services submitted the renewal application that is the subject of this proceeding on August 28, 2007, approximately two years and ten months before the permit expiration date. According to the TCEQ permit engineer reviewing this application, the reason for the early renewal was so “that something in the Deep Creek Quarry will have gone to Public Notice.” (See Exhibit 1 – Email from Larry Buller dated 9/17/2007). This was based presumably on the regional office’s request that something at the site go to notice (Exhibit 2 – Fax from Edgar Sawyer to Mike Gould dated 9/6/07).

The rock crusher and other equipment associated with Permit No. 43957 are not the only equipment operating at this site. On April 29, 2007, the Executive Director authorized the relocation of another rock crushing plant to the site (Permit No. 80617L001), consisting of one crusher, one screen and associated conveyors. This plant was originally permitted on March 22, 2007, to be operated near Comanche in Comanche County. Public notice of this application was given in Comanche County. On March 23, 2007 (**one day after it was permitted**), the plant’s owner, T-K-O Equipment Co., requested relocation to Mico. The Executive Director authorized the relocation without requiring any public notice. The facility was subsequently sold to SA Rock Product Management, LLC, and was recently sold to Lattimore Materials (the owner of the Deep Creek Quarry).

On May 15, 2007, the owner of Permit No. 80167L001 submitted an application to amend the permit to add two crushers, four screens, one feed hopper, and one sand screw. Annual production rates from the modified plant were set to keep the increase of particulate matter below the 5 tons/year requirement for public notice. This amendment was granted by the Executive Director on September 27, 2007. The combined total particulate matter emissions from this plant are 13.53 tons/year. The engine for this plant is permitted. On April 9, 2008,

Lattimore Materials submitted an additional application to amend this permit. No public notice has been given for this amendment.

As a clear as this may seem, some uncertainty exists as to exactly what facilities are on the site and how they are permitted. The TCEQ Regional Office appears to believe that Permit No. 43957 was incorporated into Permit No. 80176L001 as part of the May 15, 2007, amendment. (Exhibit 3 – TCEQ Investigation Report dated 7/2/07). If this is the case, then this renewal is unnecessary. Additional air emitting facilities also may be located at the quarry. When Lattimore Materials acquired the rock crusher from SA Rock Products, it also acquired two other crushers, which may be located at the site. Commission records are not organized to provide this data based on location. This determination is also difficult based on the fact that operations have occurred at the site under a variety of different names.

REPLY TO RESPONSES

The Executive Director and the Applicant assert that Jack Love's request for a hearing should be denied because the application is for a permit renewal without an increase or change in emissions. The Texas Clean Air Act states that the Commission may not seek a public hearing in response to an amendment, modification or renewal that does not result in an increase or change in emissions.¹ As carefully crafted by the Applicant and the Executive Director, this permit renewal application may be beyond the Commission's authority to review. Nevertheless, it is not beyond the Commission's power to dismiss the application as premature.

The existing permit will expire on June 14, 2010. As recognized by the TCEQ permit engineer, this renewal application was submitted early so that something at a site with more than 20 tons/year of particulate emissions (and an untold level of NOx emissions) would go to Public Notice. The choice of a renewal application was obvious because no hearing could be granted in response to any requests for a hearing triggered by the notice. Once the renewal is issued, the Executive Director and the Applicant can return to amending the permit without issuing public notice based on de minimis increases. The Commission should not allow the Executive Director to continue to shield this operation from public notice and public review. The Commission

¹ Tex. Health & Safety Code § 382.056(g).

should dismiss the renewal application as premature, so that the next change at the site will trigger proper public notice and finally provide an opportunity for a contested case hearing.

The Executive Director has at least twice improvidently granted changes to this permit without providing public notice and the opportunity for public review. First, the Executive Director authorized the relocation of the facility to the Deep Creek Quarry without providing public notice. Second, the Executive Director waived public notice on an application to amend the permit on the basis of a de minimis increase, when the actual increase in emissions was more than de minimis. These prior authorizations are probably beyond review at this time. But two prior mistakes is no reason for the Commission to allow the Executive Director to make a third mistake.

Jack Love could argue that the Commission should grant a hearing on this application as a vehicle to allow for public review. We fear, however, that such an approach would be futile, because if the Commission were to order a hearing, the Applicant could easily avoid the hearing by withdrawing its renewal application. Rather than playing into this procedural Catch-22, Jack Love requests that the Commission merely dismiss the renewal application.

Rather than focusing on a renewal application that does nothing, Jack Love asks that the Commission direct the Executive Director to focus on providing real public notice by forcing the Applicant to seek authorization for all components of the facility and to provide public notice and a contested case hearing to resolve whether the facility as currently operated is in compliance with all applicable laws and regulations. Included within the issues that should be addressed is whether the operation of all of the permitted facilities at the site causes a violation of any air quality standards or whether the total emissions create any health risks.²

An internal combustion engine that has never been authorized by permit currently powers the facility. The applicant apparently did not seek authorization for the engine on the basis that it would not be located in the same location for more than 12 months. It is Jack Love's belief that the same internal combustion engine has been located at this site for more than 12 consecutive months and the engine is now properly classified as a stationary source. Therefore, the

² Each of the facilities at the site (Permit Nos. 43957 and 80167L001) has been reviewed as if the other facility was not present. The modeling that has been performed has not included ambient concentrations of pollutants that would be expected given the operation of the other permitted facility at the site. This oversight needs to be corrected in subsequent application reviews.

Applicant must seek to amend its permit to include the emissions from this source. To keep the Applicant from merely switching out engines on this plant to avoid review, Jack Love asks that the Commission direct Applicant to file a permit amendment application to authorize all equipment at the facility including the internal combustion engine that has been located at the site for more than 12 consecutive months. This approach will allow a full and thorough review of this site to occur.

Alternatively, if the Applicant does not file an amendment application, Jack Love requests that the Commission direct the Executive Director to commence an investigation to determine whether an enforcement action should be brought against the Applicant for operating the internal combustion engine at the site without an air permit.

CONCLUSION

This matter illustrates the shell game currently practiced by certain types of facilities in this state. They obtain initial permits for their rock crushers in friendly locations, where no one will respond to the public notice. Once the permit is issued, they immediately move the facilities to locations where no notice is required for the relocation. Once it is relocated, they apply for a permit amendment to increase emissions by just less than de minimis amounts to avoid having to provide public notice. If additional increases are needed, they file requests for early renewal, and once the renewal is granted, they apply for additional amendments at just below de minimis levels.

In this case, the subject facility was originally issued a permit to emit less than 4 tons/year of particulate matter. The permit is now located many miles away from its original location and is currently authorized to emit more than 8 tons/year of particulate matter, and all of the changes were authorized without public notice given.

Jack Love requests that the Commission put a stop to the game playing by dismissing the permit renewal application and ordering the Applicant to file an amendment application to fully authorize its existing facility. Once this application is filed, and public notice given, Jack Love can file a new request for a contested case hearing, which the Commission can grant.

Respectfully submitted,

MATHEWS & FREELAND, L.L.P.

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Austin, Texas 78768-1568

(512) 404-7800

Fax: (512) 703-2785

By:



Joe Freeland

TBN: 07417500

Email: jfreeland@mandf.com

ATTORNEYS FOR JACK LOVE

CERTIFICATE OF SERVICE

I hereby certify that on this the 27th day of June 2008, a true and correct copy of the foregoing document was served on the following by fax or mail:

Executive Director

Timothy Eubank
Staff Attorney
Environmental Law Division MC-173
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
(512) 239-0600
Fax: (512) 239-0606

Michael D. Gould
Technical Staff
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Beecher Cameron
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(512) 239-1495
Fax: (512) 239-1300

Applicant

Steve Tolliver
Bexar Quarry Services, LLC
5002 Sinclair Road
San Antonio, Texas 78222-2131
(210) 648-3132
Fax: (210) 648-1134

OPIC

Blas J. Coy, Jr.
Office of the Public Interest Counsel, MC103
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
(512) 239-6363
Fax: (512) 239-6377

Chief Clerk

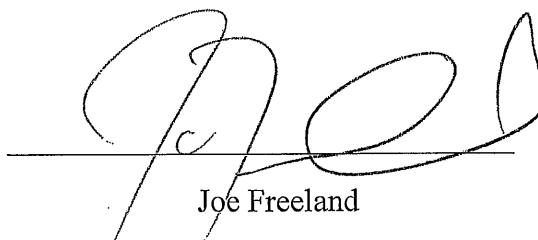
Docket Clerk
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Fax: (512) 239-3311

Alternative Dispute Resolution

Kyle Lucas
Alternative Dispute Resolution, MC-222
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Fax: (512) 239-4015

Office of Public Assistance

Bridget Bohac
Office of Public Assistance, MC-173
Texas Commission on Environmental Quality
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Austin, Texas 78711-3087
(512) 239-0600
Fax: (512) 239-0606



Joe Freeland

Exhibit 1

Larry Buller - Re: Bexar Quarry (43957)

From: RFCAIR13
To: Buller, Larry
Date: 9/18/2007 12:14 PM
Subject: Re: Bexar Quarry (43957)

Thanks, Larry. We have no additional comments to make. It appears satisfactory to the region.

Edgar Sawyer

>>> Larry Buller 9/17/2007 2:19 PM >>>

This is an abbreviated renewal as an agreement with S A Rock Product Management LLC that something in the Deep Creek Quarry will have gone to Public Notice. The current permit for Bexar Quarry Services LLC was amended January 25, 2007. There have not been, nor will there be, any changes made to the Special Conditions nor the MAERT. Please let me know if you have comments/concerns regarding this project.

Thanks,
LarryBuller

Exhibit 2

FAX TRANSMITTAL

DATE: Sep. 6, 2007

NUMBER OF PAGES (including this cover sheet):

3

TO: Name

Mr. Mike Gould, P.E.

Organization

TCEQ Air Permits Division

FAX Number

(210) 239-1300

FROM:

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Name

Edgar Sawyer, P.E., REM

Division/Region

Air Section, R-13 - San Antonio

Telephone Number

(210) 403-4038

FAX Number

(210) 545-4329

NOTES:

Protecting Texas
by Reducing and
Preventing Pollution

Request for Comments -- Site Review
TCEQ -- Air Permits Division
Phone: (512) 239-1250
Fax: (512) 239-1300

Submitted by: Air Permits Initial Review Team

TO: Region: 13 City: Mico County: Medina

Date Request Submitted: September 4, 2007 Date Response Requested:

Comments: Deadline is 45 days for MSS-type reviews, 21 calendar days for all others, from the Date Request Submitted. Section Manager approval is required for responses requested sooner than those deadlines. MSS = an NSR application for Planned Maintenance, Start-up, or Shutdown emissions in accordance with 30 TAC Chapter 101.

Date Application Received by Air Permit Initial Review Team: August 28, 2007

REGIONAL OFFICES: Please return comments to the appropriate Permitting Team Leader indicated on the following page ASAP, but no later than deadline established above. Permit disposition will proceed after comments are received or after the comments deadline has passed.

REQUESTED PERMIT ACTION:

MSS Construction	MSS Amendment	Revision
Construction	Amendment	Other
Renewal	X Renewal Abbreviated Review	

Project No.: 132297 PERMIT No.: 43957

TCEQ Account No (if applicable): 94-3957-G

Regulated Entity No.: RN102750072 Customer No.: CN602579534

Company Name: Bexar Quarry Services Llc

Plant Name: Portable Plant 1 City: Mico County: Medina
 Sn 11462

Location: 18394 fm 1283

Unit Name: Rock Crushing Plant 1

Technical Contact: Melissa Fitts

Phone: (830) 249-8284

Local Program Applicable?: Yes ☒ No ☐ Local Programs:

Note: For sites in a region that has a local program with jurisdiction, MSS projects for those sites will be reviewed by regional offices only.

Texas Commission on Environmental Quality

AIR PERMIT SITE REVIEW Checklist

Unit Name : Portable Plant 1

County : HAYS

Investigation # : 593425

TCEQ Investigator : RUSSELL SAWYER

Facility Name : PORTABLE PLANT NO 1 SN11462

Item No.	Description	Answer	Comments	Due Date
1	Is the Application Packet complete?	YES		
2	What is the Nuisance/Odor Potential? (Low, Moderate or High)	Low		
3	What is the Hazard Potential? (Low, Moderate or High)	Low		
4	Describe the surrounding land use:	Mostly unimproved ranch land with some homes in the area.		
5	Is there a school within 3000 feet? If yes, include school name and distance from unit.	NO		
6	What is the distance to the nearest off-property receptor?	Approximately 2500 feet to the north.		
7	What is the type of the nearest off-property receptor? (School, Residence or Other)	Residence		
8	Describe the area around the nearest off-property receptor:	Housing development on large lots located north of the facility.		
9	What is the distance from the unit to the nearest property line?	Approximately 1500 feet		
10	Based on the available information, can the Regulated Entity potentially meet all applicable requirements for the proposed activity at this site?	YES		
11	Are there any general comments or discussion regarding this Site Review?	YES	Public notice has never been conducted by any facility located in this quarry (Deep Creek Quarry). The region office recommends public notice be required for this project.	

Exhibit 3

Texas Commission on Environmental Quality
Investigation Report
S A ROCK PRODUCT MANAGEMENT LLC
CN602950115

PORTABLE ROCK CRUSHER 1
RN105147375

Investigation # 566356

Investigator: JEANETTE SALAZAR

Incident #

Site Classification

MINOR SOURCE

MIN 0-15 FINS

PORTABLE ACCOUNT

Conducted: 06/21/2007 -- 06/22/2007

SIC Code: 1422

NAIC Code: 212312

Program(s): AIR NEW SOURCE PERMITS

Investigation Type : Site Assessment

Location : THE SITE IS LOCATED ON THE
 S SIDE OF FM 1283 LESS THAN 4 MI W OF
 INTX OF FM 1283 AND FM 471

Additional ID(s) : 80617L001

Address: 18394 FM 1283; MICO,
 TX 78056

Activity Type : REGION 13 - SAN ANTONIO
 POSICH116 - Chapter 116 Portable Permit Site Review
 or Relocation

Principal(s) :**Role****Name**

RESPONDENT

S A ROCK PRODUCT MANAGEMENT LLC

Contact(s) :**Role****Title****Name****Phone**

Regulated Entity Contact

VICE PRESIDENT,
SENIOR ENGINEERMR GARY
NICHOLLS PE

Work (830) 249-8284

Other Staff Member(s) :**Role****Name**

Supervisor

RICK HITE

QA Reviewer

RUSSELL SAWYER

Associated Check ListChecklist Name

AIR PERMIT SITE REVIEW

Unit Name

Amendment 80617L

Investigation Comments :

INTRODUCTION

On June 1, 2007, the Texas Commission on Environmental Quality (TCEQ) Air Permit Division, located in Austin, Texas, emailed a permit site review - Request For Comments (RFC) to the San Antonio Regional Office. The RFC concerned an amendment of TCEQ Permit 80617L, for SA Rock Product Management LLC located at 18394 Farm to Market (FM) 1283, Mico (Medina County) Texas. The permit amendment application for TCEQ Permit 80617L was received by the San Antonio Office on May 15, 2007.

On June 21, 2007, at 1000 hours, Ms. Jeanette Salazar, TCEQ Environmental Investigator, conducted a site review of SA Rock Product Management's Deep Creek Quarry Portable Rock Crusher No. 1. The surrounding land use consisted of commercial quarry operations and residential area. The nearest

RECEIVED
JUL 30 2007
 TCEQ
 CENTRAL FILE ROOM

off-property receptor was greater than 3000 feet. The distance to the nearest property line to the unit was approximately 1550 feet. On June 22, 2007, Ms. Salazar faxed the completed RFC checklist to Air Permits Division. A copy of the RFC checklist can be found in Attachment 1.

This amendment proposes an addition of two crushers, four screens, one feed hopper, one sand screw, and 24 conveyors. This equipment is on-site operating under Bexar Quarry Services, LLC TCEQ Permit 43957(Primary Rock Crusher Serial No. 11462). SA Rock Product Management is in the process of acquiring this equipment to expand their operations at Deep Creek Quarry. Once SA Rock Product Management receives the amendment, Bexar Quarry Services will cease their operations.

GENERAL FACILITY AND PROCESS INFORMATION

SA Rock Product Management, LLC is located on the south side of FM 1283 less than 4 miles west of intersection FM 1283 and FM 471, and performs rock crushing and bulk material handling operations. On May 9, 2007, SA Rock Product Management, LLC bought Portable Rock Crusher No. 1 (Serial No. 30136) and TCEQ Permit 80617L from T-K-O Equipment Company. On April 9, 2007, Portable Rock Crusher No. 1 was authorized to relocate to Deep Creek Quarry.

BACKGROUND

Agreed Orders, Court Orders, and Other Compliance Agreements

There were no agreed orders, court orders, and other compliance agreements for this regulated entity.

Complaints

There have been no complaints filed at the TCEQ San Antonio Regional Office concerning this regulated entity in the past three years.

Prior Enforcement Issues

A file review indicated that no violations were issued in the past five years.

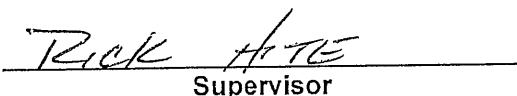
ADDITIONAL INFORMATION/RECOMMENDATIONS

At this time the investigator has no objections to the amendment of TCEQ Permit 80617L.

No Violations Associated to this Investigation

Signed 
Environmental Investigator

Date 7/2/07

Signed 
Supervisor

Date July 3, 2007

Attachments: (in order of final report submittal)

☐ Enforcement Action Request (EAR)

☐ Letter to Facility (specify type) : _____

Investigation Report

☐ Sample Analysis Results

☐ Manifests

☐ NOR

☐ Maps, Plans, Sketches

☒ Photographs

☐ Correspondence from the facility

☒ Other (specify) :

A-1: RFC

A-2: Pictures

Request for Comments -- Site Review RESPONSE

PLEASE SEND COMMENTS TO THE PERSON IDENTIFIED BELOW. (To avoid delays, please do not send this back to the Air Permits Initial Review Team.):

	To: Stephanie Howell - Air Permits Division - Austin	E-Mail: showell	Phone: (512) 239-1560
X	To: Mike Gould - Air Permits Division - Austin	E-Mail: mgould	Phone: (512) 239-1097
	To: Erik Hendrickson - Air Permits Division - Austin	E-Mail: ehendric	Phone: (512) 239-1095
	To: Mike Coldiron - Air Permits Division - Austin	E-Mail: mcoldiro	Phone: (512) 239-5027
	To: Dana Vermillion - Air Permits Division - Austin (Chem)	E-Mail: dpoppa	Phone: (512) 239-1280
	To:	E-Mail:	Phone: Fax: (512) 239-1300

FROM: Region: 13

City: Mico

County: Medina

Compliance:

Legal:

Copy of Application Received by your Office: ☒ YES ☐ NO

Date Received:

5/15/07

PERMIT No. 80617L

PROJECT No. 129380

TCEQ ACCOUNT NUMBER:

Company Name: S A Rock Product Management LLC

Investigator's/Compliance Officer's Name (Please Print):

Jeanette Salazar

Organization:

TCEQ

Phone: (210) 490-3096

Comments Deadline:

6/22/07

Date of Last Site Visit:

6/21/07

SITE INFORMATION:Nuisance/Odor Potential: ☒ Low ☐ Moderate ☐ HighHazard Potential: ☒ Low ☐ Moderate ☐ High

Surrounding Land Use:

Commercial Quarry Operations & Residence

School within 3,000 feet? ☐ Yes ☒ No

Distance to Nearest Off-Property Receptor:

> 3000 feet

Receptor Type: ☐ School ☐ Residence ☒ Other

Quarry & Residential Property

Distance from unit to nearest property line:

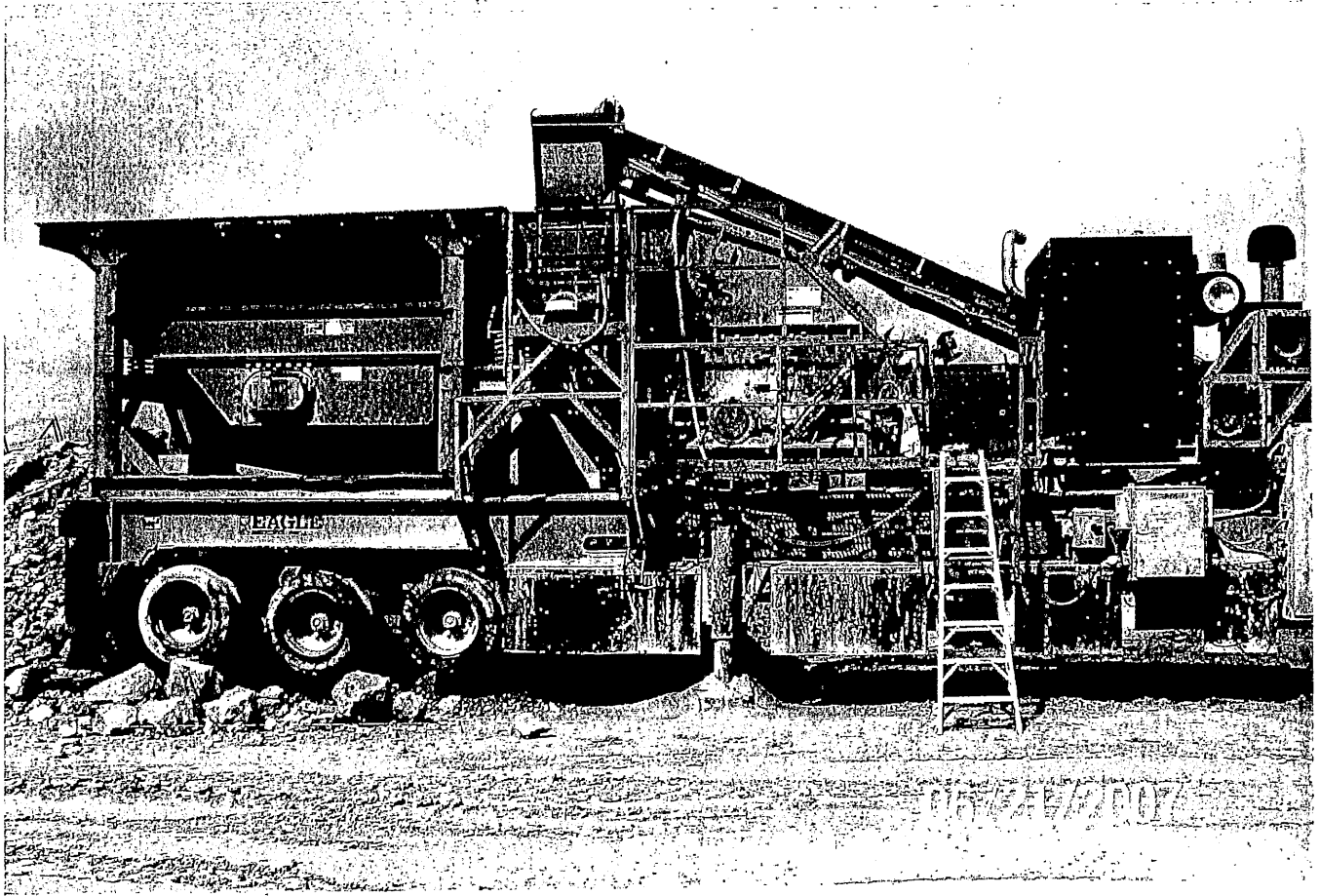
~ 1550 feet

Describe area surrounding nearest receptor:

Quarry & Residential Property

NOV INFORMATION (concerning affected process unit):Type of Site: ☒ Existing ☐ Similar in Texas ☐ Similar in U.S.

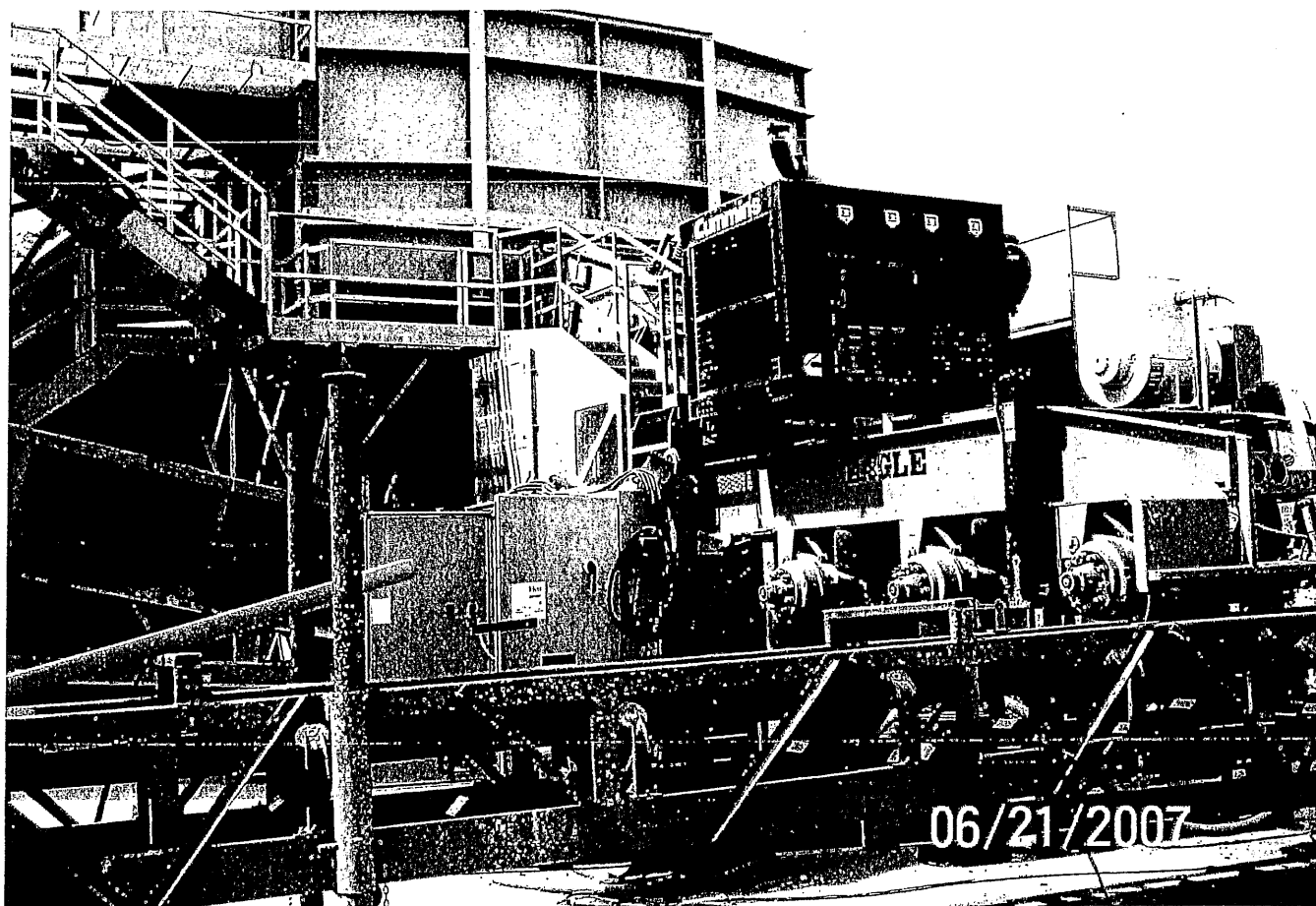
NOV Issued? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	Date:
Type of Violation:	
Please provide any information the permit engineer needs concerning the current NOV status	
Summarize any recent complaints related to this facility:	No Complaints
Recommendation based on Compliance History: (*For Compliance Use Only)	
<input checked="" type="checkbox"/> Proceed with Permit Review <input type="checkbox"/> Additional Provisions <input type="checkbox"/> Deny Permit	
SITE REVIEW:	
In light of the proximity of sensitive receptors and the surrounding land use, please discuss any concerns you have concerning a facility of this type locating at the proposed site. NO concerns at this time.	



This picture was taken on June 21, 2007 by Jeanette Salazar. This picture shows Bexar Quarry Services rock crusher authorized by TCEQ Permit 43957. SA Rock Product Management, LLC is incorporating this crusher under their amendment. Bexar Quarry Service will leave the site and the crusher once the amendment is issued.



This picture was taken on June 21, 2007 by Jeanette Salazar. This picture shows a close-up of Bexar Quarry Services' Rock Crusher's Serial Number. The Serial Number is shown as Serial No. 11462.



This picture was taken on June 21, 2007 by Jeanette Salazar. This picture shows SA Rock Product Management, LLC's Portable Rock Crusher No. 1 (Serial No. 30136). This crusher has authorization to operate under TCEQ Permit 80617L. The crusher was previously owned by T-K-O Equipment Company.



This picture was taken on June 21, 2007 by Jeanette Salazar. This picture shows SA Rock Product Management's Portable Rock Crusher to the left and Bexar Quarry Services Rock Crusher to the center of the picture. Both crushers were not operating at the time of the visit. Mr. Gary Nichols from Westward Environmental (SA Rock Product Management's Environmental Consultant) stated that the rock crushers do not operate at the same time.

Investigation QA Appendix

Investigation #: 566356

Reg Ent: PORTABLE ROCK CRUSHER 1

Conducted: 06/21/2007 00:00 - 06/22/2007 00:00 Notif Dt: 01/01/0001

No Associated Incidents

No NOE/NOV

Staff Tasks

LEAD INVESTIGATOR

JEANETTE SALAZAR

Tasks: 1 hrs. INVEST
3 hrs. POSTINVEST
1 hrs. TRAVEL

Documents Received

Submitted By	Document Type	Received Dt	Activity Dt	Document Dt
Mr. Tristan Walker Westward Environmental TCEQ Air Permits Division	PERMIT APPLICATION	05/15/2007	06/21/2007	05/10/2007
	REQUESTS FOR COMMENTS	06/01/2007	06/21/2007	06/01/2007

Communication History

PHOEMALFAX 06/13/2007

Fiscal Year Activity Type

2007 POSICH116 - Chapter 116 Portable Permit Site Review or Relocation

No Risk-Based Criteria

No Alleged Violations